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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/963,772

09/26/2001

Ronald G. Butcher

60,298-397; ST231

1768

26096

7590

01/12/2006

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EXAMINER

NGUYEN, DANNY

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/963,772

Applicant(s)

BUTCHER ET AL.

Examiner

Danny Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-10 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-9,14-17 is/are allowed.
- 6) ☒ Claim(s) 10 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/28/2005 have been fully considered. In view of these arguments, claims 1, 14 are found persuasive, and allowed. Claim 10 is not persuasive.

Regarding claim 10, applicant argued that the combination of Yamada and Culp do not disclose a signaling device which provides a signal external to the compressor housing when the switch is selectively opened. Examiner respectfully disagrees with applicant's arguments. Culp discloses a compressor with protection device (see figure 1 and 7) comprises a signaling device which provides a signal external to the compressor housing when the switch is selectively opened (such as an alarm which is coupled to the terminals 116 and 118 is located outside the compressor to provide an external indication when the normal closed contact of the relay 170 is opened col. 4, lines 24-30). Thus, applicant's arguments do not distinguish over the combination of Yamada and Culp.

Claims 2, 3, 11-13 are cancelled

Claim 18 is added.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (USPN 5,690,475) in view of Culp III et al (USPN 5,975,854, hereinafter Culp).

Regarding claim 10, Yamada discloses a scroll compressor (fig. 1 and 4) comprises a pair of scroll elements (3a and 3b) inter-fitting to define compression chambers (9); a drive shaft (5b) driven by an electric motor having a stator (5c) and a rotor (5a), the shaft causing one of the two scroll members to orbit relative to the other; and a motor protector switch (20) mounted in conjunction with a winding of the stator, the motor protector switch including a switch (20f) within the compressor housing which is selectively opened to stop operation of the electric motor (e.g. col. 5, lines 33-53). Yamada does not teach a signaling device as claimed. Culp discloses a compressor (figures 1 and 2) comprises a protection module (86 in figure 7) comprises a signaling device (e.g. the alarm device, col. 4, lines 23-30) which is located outside the compressor housing, wherein the activation of the switch (such as the control relay 170) activates the signaling device (e.g. see col. 6, lines 39-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the protection circuit of Yamada to incorporate the signaling device as disclosed by Culp in order to provide indication problem such that the device is easy taken care (col. 4, lines 25-30).

Regarding claim 18, Yamada discloses the switch (20f) is in communication with a power source (a power source from terminal 12) and the winding (5d) of the stator (5c).

***Allowable Subject Matter***

3. Claims 1, 4-9, 14-17 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 recites a compressor assembly comprises a signaling device for signaling the meeting of the predetermined condition to a location outside of the compressor housing wherein activation of the switch activates the signaling device by diverting power to the signaling device from the motor.

Claim 14 recites a compressor assembly comprises a signaling device mounted electrically in parallel to the switch, the signaling device for signaling the meeting of the predetermined condition to a location outside of the compressor housing wherein activation of the switch activates the signaling device by diverting power to the signaling device from the motor wherein current flows to the signaling device when the switch is opened. The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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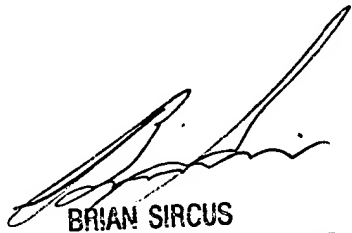
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

DN  
12/28/2005

BRIAN SIRCUS  
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